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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,113	12/17/1999	JAMES P. KETRENOS	INTL-0248-US	9791

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EXAMINER

MIRZA, ADNAN M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/466,113	<b>Applicant(s)</b> KETRENOS ET AL.	
	<b>Examiner</b> Adnan M. Mirza	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stakutis et al (6,161,104) and in view of Wlaschin (U.S. 6,182,121).

As per claims 1,8,17 Stakutis disclosed a method comprising: receiving a request for a portion of a file system by a client (notifying whether the portion is stored in a first location associated with portions of the file system that have been previously stored by the client (col. 9, lines 34-35 & col. 6, lines 48-60);

However Stakutis did not disclose in details if not, determining whether the portion is stored in a second location associated with portions of the file system that were streamed to the client by a server.

In the same field of endeavor Wlaschin disclosed Partitions can be of various types. Journal partitions may be written to by a user and contain the user's updates to shared data items. In

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preferred embodiment, journal partitions reside on a storage device associated with a client computer in a client-server architecture (col. 4, lines 18-29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Partitions can be of various types. Journal partitions may be written to by a user and contain the user's updates to shared data items. In preferred embodiment, journal partitions reside on a storage device associated with a client computer in a client-server architecture by Wlaschin in the method of Stakutis to improve the method's storing capability and make the file allocation method more diverse.

4. As per claim 2,15,19 Stakutis-Wlaschin disclosed further comprising retrieving the portion from the server if not stored in the second location (Wlaschin, col. 18, lines 15-28).

5. As per claim 3,13 Stakutis-Wlaschin disclosed wherein identifying further comprises associating portions of the file system used by the client during start-up with the first location (Wlaschin, col. 4, lines 18-29).

6. As per claims 4,14,19 Stakutis-Wlaschin disclosed wherein determining further comprises associating the second location with portions of the file system that were streamed to the client using a multicast operation (Stakutis, col. 9, lines 29-49).

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7. As per claims 5,22,23 Stakutis-Wlaschin disclosed wherein associating further comprises: monitoring accesses to a plurality of portions of the file system during start-up; retrieving the plurality of portions from the file system; and storing the plurality of portions in the first location (Stakutis, col. 9, lines 8-18).

8. As per claim 6,20,21 Stakutis-Wlaschin disclosed wherein associating further comprises: retrieving a plurality of portions from the file system using multicasting; and storing the plurality of portions in the second location (Stakutis, col. 9, lines 21-29).

9. As per claim 7,24 Stakutis-Wlaschin disclosed further comprising waiting for the portion 2 to be streamed to the client if not stored in the second location (Wlaschin, col. 4, lines 56-64).

10. As per claim 9 Stakutis-Wlaschin disclosed wherein the first location is a non-volatile storage medium (Wlaschin, col. 6, lines 24-28).

11. As per claim 10,18 Stakutis-Wlaschin disclosed wherein the non-volatile storage medium is a flash memory device (Stakutis, col. 8, lines 47-54).

12. As per claim 11 Stakutis-Wlaschin disclosed wherein the second location is a volatile storage medium (Stakutis, col. 5, lines 38-49).

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13. As per claim 12 Stakutis-Wlaschin disclosed wherein the volatile storage medium is a memory device (Stakutis, col. 2, lines 32-46).

14. As per claim 16 Stakutis-Wlaschin disclosed wherein the contents of the second location are procured as a background operation (Wlaschin, col. 11, lines 26-35)

### ***Response to Arguments***

15. Applicant argued that prior did not disclose in detail “storing a first portion of the file system in a first location and a second portion of the file system in a second location wherein a first portion stores portions of the file system previously stored and the second location is associated with portions of the file system that were streamed to the client by the server”.

As to applicant’s argument Stakutis disclosed, “ It is preferable to know exactly each file is laid out on the shared peripheral device, e.g. disk. Application programs make request based on logical file blocks. The file system present to an application an abstraction of a file that appears to be a series of contiguous data blocks. In reality the file system allocates physical pieces of the disk drives separately and knits them together in a variety of file system specific trees and directories and maps (and other structures). While a logical –block x might reside on physical block y, block x+1 might live an entirely different area” (col. 6, lines 50-60).

### ***Conclusion***

**16. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**17.** Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

**18.** The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

*AM*

Adnan Mirza

Examiner

  
**JASON CARDONE**  
**SUPERVISORY PATENT EXAMINER**